

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CASE NUMBER 1:20CV66**

CARYN DEVINS STRICKLAND,)
)
Plaintiff,)
)
v.)
)
UNITED STATES OF AMERICA, et al.,)
)
Defendants.)

DEFENDANTS' MOTION FOR CONTINUANCE

Defendants respectfully move the Court for a continuance of the trial date to October 2023.

Defendants make this request for good cause, as set forth below:

1. The Court has indicated that trial will be set in September 2023, *see* July 14, 2022 Minute Order, but it has not yet scheduled a firm date.
2. Each attorney on the Defense team has a significant conflict that would make a September trial date extremely burdensome.
3. Joshua Kolsky has handled this case since it was filed in 2020 and anticipates serving as Defendants' lead attorney at trial. He is currently out on parental leave and is not scheduled to return to work until September 1 or later.
4. Under the current schedule Mr. Kolsky will not be able to participate in much of the trial preparation, but because of his extensive experience and involvement with this case, his presence is necessary.
5. Three of Defendants' counsel observe the Jewish High Holidays, which this year will take place from September 16 to September 25 (including Yom Kippur, a day of fasting).
6. Madeline McMahon will be attending the wedding of an immediate family member from September 21 to September 24.

7. Carlotta Wells, the supervising attorney on the case, will be out of the country from September 18 to October 3, a trip scheduled in November 2022.

8. Rachael Westmoreland is taking parental leave imminently and will not return until the end of the year, after trial has concluded.

9. Granting this continuance would not affect any other deadlines. This is Defendants' first request for a continuance.

10. This motion is made in good faith and not for purposes of delay.

11. Pursuant to Local Civil Rule 7.1(b), Defendants have conferred with Plaintiff, who provided the following response: "Plaintiff requests an opportunity to be heard on Defendants' motion at the Court's scheduled status conference on June 21st or, if necessary, an opportunity to file a response thereafter."

Accordingly, Defendants seek a short continuance of the trial date until October 2023. If it would fit the Court's schedule, Defendants request that the trial be continued to October 10, 2023.

Dated: June 15, 2023

Respectfully submitted,

BRIAN BOYNTON
Principal Deputy Assistant Attorney General

CARLOTTA P. WELLS
Assistant Branch Director

JOSHUA KOLSKY
Senior Trial Counsel

/s/ Madeline M. McMahon
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